

## **CHAPTER 8-02-02 EXEMPTIONS**

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**8-02-02-01. Own use.** A person constructing a building for one's own use is exempt from North Dakota Century Code chapter 43-03 under subsections 1 and 2 of North Dakota Century Code section 43-03-02. This exemption shall not be construed to permit the offering or performance of architectural services by unregistered persons or entities to the public, nor to permit design-build firms or entities to practice architecture.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-02

**8-02-02-02. Public buildings.** A person preparing plans, drawings, and specifications for public buildings costing less than twenty-five thousand dollars, or buildings for the use of the North Dakota agricultural experiment station, is exempt from North Dakota Century Code chapter 43-03 under the provisions of North Dakota Century Code section 48-02-02.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-02

**8-02-02-03. Employee of an architect.** An employee of an architect is exempt from North Dakota Century Code chapter 43-03 under subsection 5 of North Dakota Century Code section 43-03-02. This exemption shall not be construed to permit an employee to perform services which, because of their importance to the client's and the public's interest, require the presence of the principal, such as solicitation of and contracting for architectural services, negotiations or discussions involving substantial design or cost impacts, and other services of similar responsibility which are normally performed by the architect.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-02

**8-02-02-04. Shop drawings.** A person preparing shop drawings or other graphic instruments, the purpose of which is to carry out the architect's design intent, and which are subject to the architect's approval, is exempt from North Dakota Century Code chapter 43-03.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-02-02-05. Federal projects.** A person in the employ of, or commissioned by, a United States government agency, who performs architectural services for a project to be owned and used by the federal government, and to be built with federally appropriated funds is exempt from North Dakota Century Code chapter 43-03. This exemption shall not be construed to permit nonregistered persons to perform architectural services for a project for which the federal government is merely the lender or guarantor.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-08

**8-02-02-06. Exemptions.** Nothing in this chapter shall be construed to prevent:

1. Preparation of plans, drawings, and specifications for public buildings costing less than the amount stipulated in North Dakota Century Code section 48-01.1-04 or buildings for the use of the North Dakota agricultural experiment station under the provisions of North Dakota Century Code section 48-01.1-04.
2. The preparation of submissions to architects by the manufacturer, supplier, or installer of materials, assemblies, components, or equipment incidental to the design of the entire project that describe or illustrate the use of such items.
3. The preparation of any details or shop drawings required of the contractor by the terms of the construction documents.
4. The management of construction contracts by persons customarily engaged in contracting work.
5. The preparation of technical submissions or the administration of construction contracts by persons acting under the responsible control of a registered architect.
6. Officers and employees of the United States of America from engaging in the practice of architecture as employees of the United States of America.
7. A partnership, limited liability company, or professional corporation from performing or holding itself out as able to perform any of the services involved in the practice of architecture; provided that any agreement to perform such services shall be executed on behalf of the partnership, limited liability company, or professional corporation by the general partner or partners, or by the manager or managers, or by the director or directors who hold registration in this state and who will exercise responsible control over the particular services contracted for by the partnership, limited liability company, or professional corporation; and provided further that the partnership, limited liability

company, or professional corporation furnishes the board with such information about its organization and activities as the board shall require by regulation. "Managers" shall mean the members of a limited liability company in which management of its business is vested in the members and the managers of a limited liability company in which management of its business is vested in one or more managers.

8. A partnership (including a registered limited liability partnership), limited liability company, or professional corporation from offering a combination of services involved in the practice of architecture and construction services provided that:
  - a. A registered architect or person otherwise permitted under subsection 9 to offer architectural services participates substantially in all material aspects of the offering;
  - b. There is written disclosure at the time of the offering that a registered architect is engaged by and contractually responsible to such partnership, limited liability company, or professional corporation;
  - c. Such partnership, limited liability company, or professional corporation agrees that the registered architect will have responsible control of the work and that such architect's services will not be terminated without the consent of the person engaging the partnership, limited liability company, or professional corporation; and
  - d. The rendering of architectural services by such registered architect will conform to the provisions of North Dakota Century Code chapter 43-03 and the rules adopted under that chapter.
9. A nonresident, who holds the certification issued by the national council of architectural registration boards, or the council of landscape architectural registration boards, from offering to render the professional services involved in the practice of architecture, or landscape architecture; provided that the person shall not perform any of the professional services involved in the practice of architecture or landscape architecture until registered as hereinbefore provided; and further provided that the person notifies the board in writing that the person holds an NCARB or CLARB certificate and is not currently registered in the jurisdiction, but will be present in North Dakota for the purpose of offering to render architectural or landscape architectural services; the person will deliver a copy of the notice referred to in this subsection to every potential client to whom the applicant offers to render architectural or landscape architectural services; and the person promises to apply immediately to the board for registration if selected as the architect or landscape architect for the project.

10. A person, who holds the certification issued by the national council of architectural registration boards, or the council of landscape architectural registration boards, but who is not currently registered in the jurisdiction, from seeking an architectural, or landscape architectural, commission by participating in an architectural or landscape architectural design competition for a project in North Dakota; provided that the person notifies the board in writing that the person holds an NCARB or CLARB certificate and is not currently registered in the jurisdiction, but will be present in North Dakota for the purpose of participating in an architectural or landscape architectural design competition; the person will deliver a copy of the notice referred to in this subsection to every person conducting an architectural or landscape architectural design competition in which the applicant participates; and the person promises to apply immediately to the board for registration if selected as the architect or landscape architect for the project.

**History:** Effective February 1, 2005.

**General Authority:** NDCC 43-03-08

**Law Implemented:** NDCC 43-03-02